

By: Representative Young

To: Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1178

1 AN ACT TO AMEND SECTION 23-15-217, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW AN ELECTION COMMISSIONER TO BECOME A CANDIDATE IN A  
3 SPECIAL ELECTION TO FILL A VACANCY IN ANOTHER OFFICE PROVIDED HE  
4 RESIGNS AS ELECTION COMMISSIONER WITHIN TEN DAYS AFTER THE  
5 ISSUANCE OF NOTICE OF A SPECIAL ELECTION; AND FOR RELATED  
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 23-15-217, Mississippi Code of 1972, is  
9 amended as follows:

10 23-15-217. (1) A commissioner of election of any county may  
11 be a candidate for any other office at any election held or to be  
12 held during the four-year term for which he has been elected to  
13 the office of commissioner of election or with reference to which  
14 he has acted as such; provided that he has resigned from the  
15 office of election commissioner before January 1 of the year in  
16 which he desires to seek the office. However, a commissioner of  
17 election of any county may be a candidate in a special election to  
18 fill a vacancy in any other office, provided he resigns as  
19 election commissioner within ten (10) days after the issuance of  
20 the notice of a special election by the appropriate authorities.

21 (2) In any case involving the election of a county election  
22 commissioner wherein there is a contest of any nature, including,  
23 but not limited to, the right of any person to vote or the  
24 counting of any challenge ballot, all the duties and powers of the  
25 commission in connection with said contest shall be performed by  
26 the board of supervisors, as is contemplated by Section 23-15-215  
27 in cases where there are no commissioners of election in the  
28 county.



29           **SECTION 2.** The Attorney General of the State of Mississippi  
30 shall submit this act, immediately upon approval by the Governor,  
31 or upon approval by the Legislature subsequent to a veto, to the  
32 Attorney General of the United States or to the United States  
33 District Court for the District of Columbia in accordance with the  
34 provisions of the Voting Rights Act of 1965, as amended and  
35 extended.

36           **SECTION 3.** This act shall take effect and be in force from  
37 and after July 1, 2003, if it is effectuated on or before that  
38 date under Section 5 of the Voting Rights Act of 1965, as amended  
39 and extended. If it is effectuated under Section 5 of the Voting  
40 Rights Act of 1965, as amended and extended, after July 1, 2003,  
41 this act shall take effect and be in force from and after the date  
42 it is effectuated under Section 5 of the Voting Rights Act of  
43 1965, as amended and extended.

